

IFW



PATENT
Attorney Docket No. 06028.0045-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
François LE BOURHIS et al.) Group Art Unit: 1616
)
Application No.: 10/796,016) Examiner: SOROUGH, Ali
)
Filed: March 10, 2004)
)
For: AEROSOL DEVICE COMPRISING) Confirmation No.: 2658
A COSMETIC COMPOSITION)
COMPRISING AT LEAST ONE)
POLYURETHANE AND AT LEAST)
ONE PROPELLANT COMPRISING)
DIMETHYL ETHER AND AT)
LEAST ONE C₃-C₅)
HYDROCARBON)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Supplemental Information Disclosure Statement includes a certification as specified by Section 1.97(e).

Each document listed in this Supplemental Information Disclosure Statement was first cited in a communication from the European Patent Office in a counterpart foreign application, and this Supplemental Information Disclosure Statement is being filed within three months of the mailing date of that communication.

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patents and patent application publications are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a concise statement of relevance of the non-English language documents.

1. **EP 0 938 889 A2** - This document is believed to be related to U.S. Patent No. 6,277,386, listed on the attached Form PTO/SB/08.
2. **EP 0 957 119 A1** - This document is believed to be related to U.S. Patent Nos. 6,262,176 and 6,489,397, listed on the attached Form PTO/SB/08.
3. **EP 1 205 174 A1** - An abstract of this document can be found in the English language Derwent abstract submitted herewith, listed on the attached Form PTO/SB/08.
4. **WO 94/12051** - This document is believed to be related to U.S. Patent No. 6,372,876, listed on the attached Form PTO/SB/08.
5. **WO 00/12051** - This document is believed to be related to U.S. Patent No. 6,689,340, listed on the attached Form PTO/SB/08.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 8, 2008

By: Deborah M. Herzfeld
Deborah M. Herzfeld
Reg. No. 52,211